

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Edward E. Urbanek,

File No. 23-cv-657 (ECT/DJF)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Jodi Harpstead and Nancy Johnston,

Respondents.

Petitioner Edward E. Urbanek commenced this action pro se by filing a petition for a writ of habeas corpus. Pet. [ECF No. 1]. Urbanek subsequently filed a motion for appointment of counsel. ECF No. 5. The case is before the Court on a Report and Recommendation [ECF No. 9] issued by Magistrate Judge Dulce J. Foster. Magistrate Judge Foster recommends dismissing Urbanek's petition without prejudice and denying his motion for appointment of counsel. R&R at 6. Urbanek filed objections to the Report and Recommendation. ECF No. 10. Respondents did not file a response to Urbanek's objections. *See generally*, Dkt. Because Urbanek has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Foster's analysis and conclusions are correct.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF No. 10] are **OVERRULED**;
2. The Report and Recommendation [ECF No. 9] is **ACCEPTED** in full;
3. The petition for writ of habeas corpus [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**;
4. Petitioner's motion for appointment of counsel [ECF No. 5] is **DENIED**; and
5. No certificate of appealability shall issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 20, 2023

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court